

Remarks

Claims 1-18 are pending in the present application, with claims 19-27 having been canceled without prejudice to their re-entry in a separate application.

Claim 1 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 2-12 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Claims 13-18 stand allowed.

Claim Amendments

Claim 1 is amended to remove the phrase "conditions sufficient to produce the coupled aromatic compound".

Claims 19-27 are canceled without prejudice to their re-entry in a separate application.

Claims Analysis

The Examiner stated that claim 1 was interpreted in light of the preamble because it breathes life into the claim. Applicant respectfully disagrees with the Examiner that the preamble to the method of claim 1 is necessary to breathe life into the claim because the Examiner has not identified what the Examiner considers the text of the preamble to be.

Claim 1 - 35 U.S.C. § 112, second paragraph

Claim 1 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Contrary to the Examiner's statements, Applicants maintain that claim 1 does particularly point out and distinctly claim the subject matter that Applicant regards as the invention and the specification provides a clear definition to the phrase "conditions

sufficient to produce the coupled aromatic compound" in places other than the Examples section.

The phrase "conditions sufficient to produce the coupled aromatic compound" is extensively defined in paragraphs [0085] - [0094] as well as in the Examples section. Applicant maintains that a determination of whether the examples entitled "comparative example" are within the prior art or are Applicant's original work is not necessary to understand the meaning of the phrase "conditions sufficient to produce the coupled aromatic compound."

However, to expedite the allowance of the pending claims, Applicant has amended claim 1 to remove the phrase "conditions sufficient to produce the coupled aromatic compound."

Further, any example in the Examples section of the present application that falls within the scope of claims 1-18 represents Applicant's individual work. Specifically, any example that discloses a method for coupling an organomagnesium compound under conditions that either: i) use a nickel catalyst comprising a phosphino-ligand of the formula $PR^3R^4R^5$; ii) use a non-aromatic reaction solvent; or iii) use a nickel catalyst comprising a phosphino-ligand of the formula $PR^3R^4R^5$ and a non-aromatic reaction solvent, falls within the scope of claims 1-18. An example that does not fall within the scope of claims 1-18 is Comparative Example 1d where the phosphino-ligand is triphenyl phosphine.

Thus, Applicant respectfully traverses the rejection of claim 1 under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 2-12 - Objections

Claims 2-12 stand objected to as being dependent on rejected base claim 1. Applicant has traversed each and every rejection of base claim 1, and therefore, respectfully request that the Examiner withdraw the object to claims 2-12.

Conclusion

With the above amendments and remarks, Applicant believes that all rejections have been obviated. Thus, each of the claims remaining in the application is in condition for immediate allowance. Passage of the instant invention to allowance is earnestly solicited.

Applicants believe that no fee is necessary, however, should a fee be deemed to be necessary, the Commissioner is hereby authorized to charge any fees required by this action or any future action to Deposit Account No. 50-3216.

Should the Examiner have any questions relating to the instant application, the Examiner is invited to telephone the undersigned at (336) 841-0300 ext. 159 to discuss any issues.

Respectfully submitted,

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